

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the September 10, 2008 Office action and claims 1-21 and 24 are presented in the application for further examination. By this Amendment C, Applicants amend claims 1 and 11; cancel claim 23; and add claim 24. Reconsideration of the amended application in view of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub No. 2002/0095454 to Reed in view of U.S. Pub No. 2003/0004917 to Thomas (Thomas) and further in view of U.S. Pub No. 2007/01436 to Border et al. (Border).

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Reed in view of Thomas.

As explained below, the cited art fails to teach or suggest managing synchronization notifications as set forth in Applicants' claims. Aspects of the present invention advantageously eliminate many unwanted notifications thus reducing the overall number of such notifications, decreasing the amount of data transferred to a client device and consequently improving performance. Through the use of the claimed trackingGUID parameter, Applicants can determine whether or not a client device is up-to-date with respect to a server before sending a notification to the device that an event of interest (e.g., a new email, an edited calendar item, a weather or traffic update, etc.) has occurred. If a synchronization is already pending, aspects of the invention recognize that yet another sync notification is not needed.

Reed teaches a system for transferring data, metadata and methods from a provider computer to a consumer computer through a communications network. (Abstract). The Examiner asserts that paragraph 291 of Reed teaches not sending the sync notification to the client device, if the state of the client device indicates the client device is not in the up-to-date state prior to the received notification. Applicants disagree; paragraph 291 of Reed merely teaches a method to automate acknowledgements of received communication objects. **Most importantly, Reed teaches that the producer has already sent a notification (communication object) to the consumer or else the acknowledgement association would**

not exist. Specifically, FIG. 12 clearly shows the communication object is transmitted at step 551 and then the acknowledgment timeout is set at steps 553-555 and 562. And the consumer uses a **SendAck method of the received object** to send an acknowledgment to the producer in response the receipt of the object. (Page 31, [0291]). Applicants submit the Examiner is engaging in impermissible hindsight reasoning using Applicants' claim as a blueprint to reject the claim. **Applicants note that it makes no logical sense for the producer of Reed to set a timeout to receive an acknowledgement indicating an object has been received by the consumer if the object has not been previously sent to the consumer by the producer.** As such, any action taken by Reed in response to the expiration of the timeout does not change the fact that the notification (e.g., communication object) was previously sent.

Thomas discloses a system for synchronizing data between a server and a mobile device. (Abstract). In particular, the mobile device receives notifications from the server tagged with a synchronization state value. (FIG. 6; page 3, [0030]). The mobile device queues notification received while it is synchronizing with the server. (FIG. 7; page 3, [0031]). After synchronization, the queued notifications are processed. (Page 3, [0030]). Specifically, if a queued notification has a tagged value indicating the notification is part of a previous sync state, the notification is discarded. (FIG. 8; page 3, [0032]-[0033]). If not, the queued notification is processed. (FIG. 8; page 3, [0035]- page 4, [0036]).

Border discloses a system for a proxy architecture. (Abstract). As part of the system, Border teaches that an expiration time of a timer to be equal to the timeout value of the time plus the current system time. (Page 22, [0240]). Additionally, Border teaches that on the expiration of the timer, the system makes a check for TCP connection timeouts. (Page 22, [0240]).

In contrast, claim 24, as amended, recites:

receiving a notification that an event of interest has occurred;
in response to the notification, retrieving a device/configuration file of the client device, said device/configuration file including a syncGUID and a trackingGUID, said syncGUID being updated after each successful device synchronization of the client device for indicating a state of the client device, and said trackingGUID being set to equal the last known syncGUID for the client device;

determining the state of the client device prior to receipt of the received notification based on the trackingGUID, wherein the client device is in an up-to-date state when the trackingGUID does not equal the syncGUID

indicating the client device has performed a sync since a previous notification was processed and wherein the client device is in a pending synchronization state when the trackingGUID equals the syncGUID indicating the client device has not performed a sync since the previous notification was processed;
 sending the sync notification to the client device and re-setting the trackingGUID to equal the syncGUID when the determined state of the client device prior to the receipt of the received notification is the up-to-date state; and
 not sending the sync notification to the client device when the determined state of the client device prior to the receipt of the received notification is the pending synchronization state.

For example, a user turns a mobile phone off for a few hours while in a meeting or out to lunch. Suppose during that period of time, twenty-five e-mails are received. The method of Reed causes twenty-five separate notifications. Unlike the method taught by the cited art, as soon the device is turned back on Applicants' invention causes **only one sync notification** to be received and processed. Advantageously, by "**not sending the sync notification to the client device, if the state of the client device indicates the client device is not in the up-to-date state prior to the receipt of the received notification**", the client devices will not receive multiple notifications between synchronizations resulting in increased performance and decreased cost by decreasing the amount of data transferred to a device.

Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. *KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the element of **determining the state of the client device prior to receipt of the received notification based on the trackingGUID, wherein the client device is in an up-to-date state when the trackingGUID does not equal the syncGUID indicating the client device has performed a sync since a previous notification was processed and wherein the client device is in a pending synchronization state when the trackingGUID equals the syncGUID indicating the client device has not performed a sync since the previous notification was processed** nor the result of **not sending the sync notification to the client device when the determined state of the client device prior to the receipt of the received notification is the pending synchronization state** is not found in the combined art. For at least these reasons, the rejection of claim 24 should be withdrawn. Claims 1 and 11 have been amended to include subject matter similar to the subject matter of claim 24. As such, Applicants submit that claims 1 and 11 are allowable for at

least the same reason as claim 1. Additionally, claims 2-10 and 12-21 depending from claims 1 and 11, respectively, are allowable for at least the same reasons as claims 1 and 11.

Conclusion

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/Barbara A. Wilkey/

Barbara A. Wilkey, Reg. No. 62,986
SENNIGER POWERS LLP
100 North Broadway, 17th Floor
St. Louis, Missouri 63102
(314) 345-7000

BAW/cjl